

In the Matter of Certificate of Service No. E-428471
Issued to: ALEXANDER MENDICINI

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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ALEXANDER MENDICINI

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137,11-1.

On 2 January, 1952, an Examiner of the United States Coast Guard at New York City revoked Certificate of Service No. E-428471 issued to Alexander Mendicini upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as "utility" on board the American SS FAIRISLE under authority of the document above described, on or about 15 March, 1950, while said vessel was in the port of San Juan, Puerto Rico, he wrongfully had marijuana in his possession.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by an attorney of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer and Appellant made their opening statements. No evidence was submitted by either party.

At the conclusion of the hearing, having given both parties an opportunity to submit proposed findings and conclusions, the Examiner announced his findings and concluded that the charge had been proved by plea. He then entered the order revoking Appellant's Certificate of Service No. E-428471 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

This appeal is a request for clemency since Appellant's only occupation since 1943 has been going to sea and he served an eighteen months' sentence for this offense.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 15 March, 1950, Appellant was serving as "utility" on board the American SS FAIRISLE and acting under authority of his Certificate of Service No. E-428471 while the ship was approaching San Juan, Puerto Rico.

On this date, the Master of the vessel found a quantity of marijuana in Appellant's locker aboard the ship. For this offense, Appellant was tried in the U. S. District Court at San Juan, convicted on his plea of guilty, and sentenced to serve two years and one day in prison.

OPINION

As stated by the Examiner, the seriousness of narcotics offenses requires that the most effective remedial sanction of revocation must be imposed, in such cases. There is nothing in this record which indicates that there should be any deviation from this well-established policy.

ORDER

The order of the Examiner dated 2 January, 1952, should be, and it is, AFFIRMED.

Merlin O. Neill
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 4th day of April, 1952.